

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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COURTNEY LINDE, et al.,

Plaintiffs,

- against -

ARAB BANK, PLC,

Defendant,
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NINA GERSHON, United States District Judge:

ORDER

JAN 31 2012

04 CV 2799 (NG)(VVP)
and related cases¹

By letter dated January 18, 2012, plaintiffs in the above captioned matter write to request a conference regarding certain witnesses the defendant has listed as potential fact witnesses. Specifically, the plaintiffs ask that this court convene a conference to provide guidance to the parties as to whether previously excluded expert testimony may now be offered by the defendant as fact witness testimony. Plaintiffs argue that the defendant is attempting to circumvent this court's order of December 6, 2011 with regard to relevance and prejudice of expert witness testimony. The plaintiffs' request is DENIED as premature. Motions *in limine* with regard to specific fact testimony may be brought at the close of discovery and in advance of trial.

However, I remind the parties to carefully review the decision of December 6, 2011. My previous rulings regarding the relevant subject areas for trial are equally applicable to fact witness testimony as to expert witness testimony. The court also reminds the parties of this court's admonishment contained in the order of December 6, 2011 that the defendant cannot rely merely on previously articulated claims or arguments of the plaintiffs without regard to

¹ The following related cases have been consolidated with this case for the purposes of discovery and other pretrial proceedings: *Philip Little, et al. v. Arab Bank, PLC*, 04-CV-5449; *Oran Almog, et al. v. Arab Bank, PLC*, 04-CV-5564; *Robert L. Coulter, Sr., et al. v. Arab Bank, PLC*, 05-CV-365; *Gila Afriat-Kurtzer, et al. v. Arab Bank, PLC*, 05-CV-388; *Michael Bennett, et al. v. Arab Bank, PLC*, 05-CV-3183; *Arnold Roth, et al. v. Arab Bank, PLC*, 05-CV-0378; *Stewart Weiss, et al. v. Arab Bank, PLC*, 06-CV-1623; *Joseph Jesner, et al. v. Arab Bank, PLC*, 06-CV-3869; *Yaffa Lev, et al. v. Arab Bank, PLC*, 08-CV-3251; and *Viktoria Agurenko, et al. v. Arab Bank, PLC*, 10-CV-626.

relevance. Plaintiffs therefore should consider indicating to the defendant areas they do not intend to pursue, based on my previous rulings regarding relevance, or otherwise, so that the depositions now contemplated may be limited accordingly.

SO ORDERED.

‘ s/NG ‘

NINA GERSHON
United States District Judge

Dated: January 27, 2012
Brooklyn, New York